

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 12-2039 (FAB)

COMMONWEALTH OF PUERTO RICO, *et*
al.,

Defendants.

ORDER APPROVING STIPULATION ON STAFFING AND SUPERVISION

The Joint Stipulation is approved as follows:

1. The Commonwealth of Puerto Rico, the Puerto Rico Police Bureau (PRPB), and the United States Department of Justice (USDOD) entered into this Joint Stipulation to meet the following two key objectives:

a. ensure that valid methods are used to determine staffing needs and deploy sufficient numbers of sworn and civilian personnel to meet PRPB's mission, in accordance with Paragraph 13 of the Agreement for the Sustainable Reform of the PRPB (Agreement); and

b. provide close and effective supervision of officers in the field, in accordance with Paragraphs 135-140 of the Agreement; and

c. provide a framework to develop the implementation plan which was required by the Court at the January 14, 2022, status conference. See Min. of Proceedings ¶ 4; and

d. The Commonwealth's implementation of Paragraphs 13 and 135-140 of the Agreement will ensure that there are sufficient numbers of supervisors deployed to supervise officers in the field. It will also facilitate the implementation of other important accountability systems that rely on appropriate levels of supervision, such as supervisory review of officers' use of force (¶¶ 43-47 of the Agreement) and searches and seizures (¶¶ 59, 62-63, 68-71, 75 of the Agreement).

2. The Commonwealth shall implement the 2018 Staffing Plan, pursuant to Paragraph 13 of the Agreement and the approved monitoring methodology. See Monitoring Matrix and Methodology on Professionalization at 2-4, Docket No. 1327-1 (Aug. 30, 2019), as follows:

a. **By April 20, 2022**, the Commonwealth shall submit a proposal to the Monitor and the United States Department of Justice (USDOT) for any update it intends to make to the 2018 Staffing Plan ("Staffing Plan Update Proposal") to ensure compliance with Paragraphs 135-140 of the Agreement, in accordance with the approved monitoring methodology. See Monitoring Matrix and Methodology on Supervision and Management at 1-4, Docket No. 1327-

4 (Aug. 30, 2019). The Staffing Plan Update Proposal shall include a timeline for completing any update to the 2018 Staffing Plan within 90 days of the Court's approval of this Joint Stipulation, including:

i. The dates on which each step necessary for updating the 2018 Staffing Plan will be completed; and

ii. The dates on which each of the steps outlined in the 2018 Staffing Plan will be completed.

iii. The names of the individuals responsible for implementing any aspect of the updated 2018 Staffing Plan, along with a clear description of each person's role in implementing the plan.

iv. The establishment of an executive-level implementation committee with representatives of all Commonwealth agencies necessary for the full and effective implementation of the updated 2018 Staffing Plan.

b. **By May 4, 2022**, the Commonwealth will file with the Court the Staffing Plan Update Proposal, with USDOJ and the Monitor's approval.

c. Every 90 days after the Commonwealth's filing of the Staffing Plan Update Proposal, the Commonwealth shall submit to the Court a status report that includes:

i. Whether the Commonwealth has met the deadlines and benchmarks set forth in the Staffing Plan Update Proposal and the updated 2018 Staffing Plan. If the deadlines and benchmarks have not been met, the Commonwealth shall include its plan to remedy those failures and, if necessary, a request to modify the updated 2018 Staffing Plan to accomplish the remediation.

ii. Whether the Commonwealth made available for inspection or produced supporting documentation to the Monitor and USDOJ to demonstrate that it achieved these benchmarks and deadlines, pursuant to Paragraph 267 of the Agreement.

iii. A timeline for the next 90 days that includes:

A. when the steps outlined in the updated 2018 Staffing Plan will be completed; and

B. at least two weeks prior to submitting each status report to the Court, the Commonwealth shall submit a proposed version of the status report to USDOJ and the Monitor for review and approval.

C. Whether there have been any changes in the individuals who are responsible for carrying out the updated 2018 Staffing Plan, and a statement of whether the Commonwealth has provided the name for any new individual to the Monitor and USDOJ.

d. The Commonwealth, the PRPB and USDOJ shall request that the Court schedule a status conference to address the Commonwealth's progress every 90 days. At those status conferences, which shall be held shortly after the Commonwealth files its status reports, the Commonwealth shall make available in Court all persons with final responsibility over any aspect of the updated 2018 Staffing Plan, including members of the executive-level implementation committee, all of whom will be available for questioning by the Court.

e. If the Commonwealth, the PRPB, USDOJ and Monitor are unable to approve the Commonwealth's Staffing Plan Update Proposal or quarterly status reports, the Commonwealth, the PRPB, USDOJ or the Monitor may request that the Court resolve the matter.

3. This Joint Stipulation shall be implemented in accordance with the Agreement and the Court's Orders. Nothing in this Joint Stipulation is intended to alter, modify, or substitute any term of the Agreement.

IT IS SO ORDERED.

San Juan, Puerto Rico, April 18, 2022.

s/ Francisco A. Besosa
FRANCISCO A. BESOSA
SENIOR UNITED STATES DISTRICT JUDGE